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*Attorneys for Defendants Minor Adams,
Romeo Aranas, Sonya Clark, James G. Cox,
James Dzurenda, Jo Gentry, Kyle Groover,
Benedicto Gutierrez, Julio Mesa, Wilfredo Piscos,
Conrad Porter, Francisco Sanchez, David Tristan,
Joselo Vicuna and Dean Willett*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

REGINALD C. HOWARD,
Plaintiff,

v.

GREG COX, *et al.*,
Defendants.

Case No. 2:17-cv-01002-JAD-BNW

**DEFENDANTS' MOTION TO
VACATE THE ORDER
SCHEDULING SETTLEMENT
CONFERENCE (ECF NO. 81) AND
RESCHEDULE
(FIRST REQUEST)**

Defendants, Minor Adams, Romeo Aranas, Sonya Clark, James G. Cox, James Dzurenda, Jo Gentry, Kyle Groover, Benedicto Gutierrez, Julio Mesa, Wilfredo Piscos, Conrad Porter, Francisco Sanchez, David Tristan, Joselo Vicuna, and Dean Willett, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Austin T. Barnum, Deputy Attorney General, hereby submit this motion to vacate and reschedule the settlement conference currently set for November 19, 2021, at 09:00 a.m. to the first half of December 2021 on a date convenient to the Court. The Motion is based upon the attached memorandum of points and authorities, the pleadings herein on file, and any other evidence the Court determines is appropriate.

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I. BACKGROUND

Defendant respectfully requests this Court to vacate the scheduled settlement conference and reschedule to the first half of December 2021 at the Court's convenience. The Court ordered a settlement conference and scheduled said conference for November 19, 2021. ECF No. 81. The Court's order mandated parties with settlement authority to attend. *Id.* at 2:1-10. The Tort Claims Manager, a non-party member of the defense, retains settlement authority for monetary settlements above \$500. This makes the Tort Claims Manager a required attendee. The Tort Claims Manager has three separate Early Mediation Conferences with the Federal District Court scheduled for the same day. The Torts Claims Manager advised their schedule is more open in the first half of December 2021.

Additionally, the previous Deputy Attorney General and Senior Deputy Attorney General assigned to this case left the employ of the State of Nevada's Office of the Attorney General a short time before this order from the Court. Undersigned counsel returned to the office from long-term military orders on October 4, 2021. Counsel was provided a full case load on the same day and reviewed this case on October 5, 2021.

II. LEGAL ARGUMENT

Defendant respectfully requests this Court vacate the order scheduling a settlement conference because good cause exists. District Courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990) (citation excluded). "[T]he court may, for good cause, extend time . . . if a request is made, before the original time or its extension expires." FED. R. OF CIV. PROC. 6(b)(1)(A). "A motion . . . to extend any date set by . . . scheduling order must . . . be supported by a showing of good cause for the extension." Nevada Local R. 26-3. The Tort Claims Manager is a required attendee to this conference. This is the only person authorized to settle claims over \$500. This person has three separate Early Mediation Conferences scheduled by the court on the same day. Additionally, undersigned counsel was assigned this case and a full case load. Undersigned counsel will benefit from the additional time to properly prepare

1 for this settlement conference and his role as legal adviser to the Defendants and
2 individuals authorized to settle this case.

3 **III. CONCLUSION**

4 Defendant respectfully requests this Court vacate the order scheduling a settlement
5 conference and reschedule the settlement conference in the first half of December 2021.

6 DATED this 13th day of October, 2021.

7 Respectfully submitted,

8 AARON D. FORD
9 Attorney General

10 By: /s/ Austin T. Barnum
11 Austin T. Barnum (Bar No. 15174)
12 Deputy Attorney General
13 *Attorneys for Defendants*

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17 **Order**

18 IT IS ORDERED that ECF No. 83 is GRANTED. The Settlement
19 Conference scheduled for 11/19/2021 is VACATED and
20 RESCHEDULED to **12/6/2021 at 9:00 a.m.**

21 On 11/29/2021, parties and counsel must send their confidential
22 written evaluation statement and preferred e-mail address for the
23 Zoom invitation to judicial clerk Radia Amari at
24 radia_amari@nvd.uscourts.gov.

25 A pre-Settlement Conference telephonic conference is set for
26 12/3/2021 at 3:00 p.m.

27 **IT IS SO ORDERED**

28 **DATED:** 4:51 pm, October 14, 2021



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on October 13, 2021, I electronically filed the foregoing **DEFENDANTS' MOTION TO VACATE THE ORDER SCHEDULING SETTLEMENT CONFERENCE (ECF NO. 81) AND RESCHEDULE (FIRST REQUEST)**, via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically.

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Plaintiff, Pro Se

/s/ Sheri Regalado
Sheri Regalado, an employee of the
Office of the Nevada Attorney General